

Appln. No. 09/955,858  
Response dated July 1, 2005  
Reply to Notice of June 22, 2005

#### REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The June 22, 2005 Notice of Non-Complaint Amendment has been carefully considered. In response, the prior Amendment submitted June 15, 2005 is revised in a sincere effort to comply with the Patent Office requirements.

#### PRIOR ART REJECTIONS

In the Office Action claims 1 and 3 are rejected under 35 USC 102(b) as being anticipated by USP 4,471,386 (Tuhro). Claims 4 and 6 are rejected under 35 USC 103 as being unpatentable over Tuhro in view of USP 5,874,219 (Rava et al.). Claims 5, 8 and 9 are rejected under 35 USC 103 as being unpatentable over Tuhro in view of USP 6,458,601 (Kimura), and further in view of the Webster Dictionary.

In response, claims 1, 3-6, 8 and 9 are cancelled, thereby rendering the aforementioned rejections moot.

#### NEW CLAIMS

New claims 10-18 are added to the present application. Claim 10 is an independent claim and claims 11-18 are dependent on claim 10.

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The present claimed invention as defined by independent claim 10 is directed to a method of acquiring image data from a sample wherein the sample is divided into a plurality of scanning regions and the scanning regions each have a predetermined size. The method includes the steps of scanning a first scanning region to measure light from the sample, measuring light on a boundary between the first scanning region and a second scanning region that is adjacent to the first scanning region, and moving the boundary inside the first scanning region.

According to the feature of the present invention, precise images can be provided when light is measured on the boundary between the two scanning regions since the boundary can be moved so as to prevent the boundary from dividing the measured light data, thereby acquiring the scanned image data in proper image size.

The present inventor identified a problem with conventional technology in that a precise image of a sample cannot be acquired when the sample is divided into a plurality of scanning regions, and it is necessary to combine each scanned image of the scanning regions to generate complete data of the sample. This is because the data on the boundary of the two regions will be divided, and the divided data of measured light will be treated as separate data in the two regions.

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Conventional technology does not consider this problem, and merely combines the scanned image data of each scanning region.

Rava et al. (USP 5,874,219) disclose that a multi-axis translation stage 260 moves a biological chip plate to position different wells to be scanned (Col. 5, lines 57-59), and scanning or imaging a strip of the sample (Col. Lines 44-45), in order to scan the biological chip plate.

Kimura (USP 6,458,601) discloses that a main scanning system moves the optical head 50 and a sub-scanning means 80 moves the laser 30 and the optical head 50 (Col. 4, lines 45-55), in order to move the focal point on a substrate 2.

Howlette et al. (USP 5,710,880) disclose adjusting the shape of scaled geometric descriptors for the requested point size and resolution to fit the appropriate boundaries of a pixel grid (Col. 9, lines 32-35), in order to create a scalable graphic image for display by a pixel-oriented display device.

Tuhro (USP 4,471,386) discloses that a user applies a suitable retro-reflective material to a document to form control marks 60, 61, in order to distinguish an image area on the document where scanning is not desired from an image area where

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scanning is desired, thereby delineating the boundaries of the image areas.

None of the aforementioned references recognize the problem identified by the present inventor, nor suggests a solution to the problem. Even further, the references, when taken either alone or in combination, do not disclose, teach or suggest the method recited in independent claim 10.

That is, the references do not disclose, teach or suggest, when taken either alone or in combination, a method of acquiring image data from a sample comprising the steps of scanning a first scanning region to measure light from the sample, measuring light on a boundary between the first scanning region and a second scanning region that is adjacent to the first scanning region, and moving the boundary inside the first scanning region (see claim 10, lines 5-10).

In view of the foregoing, claim 10 and claims 11-18 which are dependent on claim 10 are patentable over the cited references when taken either alone under 35 USC 102 or in combination under 35 USC 103.

\* \* \* \* \*

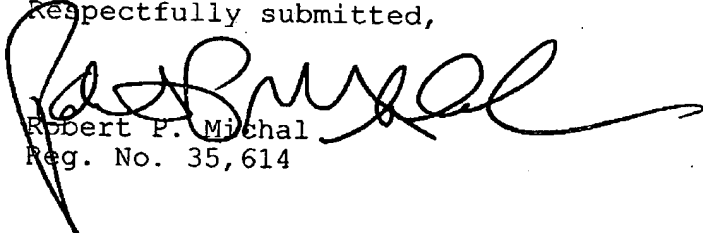
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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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